

# KENTUCKY BOARD OF HOME INSPECTORS

**NOVEMBER 8, 2011**

A regular meeting of the Kentucky Board of Home Inspectors was held at the Office of Occupations and Professions on November 8, 2011.

## MEMBERS PRESENT

Mark Schmidt, Board Chairman  
J.R. Bone  
Ken Fister  
Steve Pennington  
Mark G. Oerther  
James A. Chandler  
Mitch D. Buchanan

## Occupations and Professions Staff

Jeremy Horton, Deputy Executive Director  
Tony Crockett, Board Administrator

## Others

Mark Brengelman, Office of The Attorney General  
Steve Keeney, Professional Learning Institute  
Don Gaines, A-Pass Weikel  
Michael Patton, Kreia  
John Elliot, Apex Home Inspections  
Tara Green, Inspection USA  
David M. Green, Inspection USA

A meeting of the Kentucky Board of Home Inspectors, Complaint Committee, was called to order at 9:05 a.m., Tuesday, November 8, 2011 at the Office of Occupations and Professions. A motion was made by Mr. Schmidt to go into closed session per KRS 61.810 (1)(c) and (j), seconded by Mr. Bone. A motion was made by Mr. Bone to come out of closed session, seconded by Mr. Schmidt. The committee meeting adjourned at 9:56 a.m.

## CALL TO ORDER

A meeting of the Kentucky Board of Home Inspectors was called to order by Board Chairman, Mark Schmidt at 10:11 a.m. on Tuesday November 8, 2011 at The Office of Occupations and Professions. A quorum was present.

## APPROVAL OF THE MINUTES

The minutes of the October 11, 2011 meeting were presented for the Board's review. Mr. Bone made a motion to approve the minutes. Mr. Oerther seconded and carried unanimously.

## **BOARD MONTHLY FINANCIAL REPORT**

Mr. Horton discussed with the Board the budget allotment process.

Mr. Horton explained to the Board that the Office of Attorney General has up until October of 2011 been billing the Department of Housing, Building and Construction for attorney fees. The Board will reimburse the Department of Housing, Building and Construction for the errant billing. The Office of Attorney General will bill the Board directly starting in November 2011.

## **LICENSURE REPORT**

The Board reviewed the Licensure Report for the month of October 2011. The report reflected that there are currently 338 active licensees while 286 were either expired or terminated. The following licenses were issued for the month of October:

- Joe Richard Wilcox

The following renewal applications were approved for the month of September:

- Rodney Lee Maynard
- Danny G. Willoughby

Mr. Pennington made a motion to approve the Licensure Report; Mr. Bone seconded and carried unanimously.

## **OPERATIONS AND PROFESSIONS REPORT**

Mr. Horton informed the Board that two new supervisors were hired at the Office of Occupations and Professions.

## **BOARD CHAIRMAN'S REPORT**

Mr. Schmidt asked the Board to consider the formation of a Marketing Committee.

## **BOARD COUNSEL REPORT**

Mr. Brengelman stated that the Board would go in closed secession at the end of the meeting.

Mr. Brengelman stated that he is currently working on revising administrative regulation 815 KAR 6:010 and the administrative regulation pertaining to fees. Also, the Board instructed Mr.

Brengelman, per request, to have the Legislative Research Commission renumber the Board's administrative regulations from 815 KAR Chp 6 to 201 KAR Chp 45 now that the Board is part of the General Government cabinet whose administrative regulations are to be numbered in the sequence 201 KAR. Mr. Brengelman will send a written request to the Legislative Research Commission.

### **OLD BUSINESS**

There was no Old Business to report.

### **NEW BUSINESS**

Mr. Bone made a motion for the Board to plan a retreat in January 2012. Mr. Chandler seconded and carried unanimously. A tentative date was set for January 11-13, 2012, to be held preferably at a Kentucky State Resort Park. Mr. Crockett will report back with available state part options for places and dates.

### **EDUCATION COMMITTEE REPORT**

No action(s) taken.

### **APPLICATION COMMITTEE REPORT**

Mr. Fister made a motion to approve the application of Mr. Brian Smallwood. Mr. Pennington seconded and carried unanimously.

Mr. Fister made a motion to approve the application of Mr. Charles McWilliams, contingent on Mr. McWilliams providing a revised insurance certificate. Mr. Bone seconded and carried unanimously.

Mr. Fister made a motion to approve the application of Mr. Joseph Harris, contingent on Mr. Harris providing a Kentucky State Police Criminal Background Check. Mr. Oerther seconded and carried unanimously

### **COMPLAINT COMMITTEE REPORT**

At the request of the Chair, Mr. Brengelman updated the Board on the actions of the Complaint Committee:

Agency Case No. 2011-12 -- on-going with Mr. Crockett to continue to attempt to contact the Respondent to arrange an interview, and;

Agency Case No. 2011-07 -- on-going with a Notice of Administrative Hearing and Order having been filed, a proposed Settlement Agreement tendered to the Respondent, the Complainants contacted by Board Counsel, and an initial Prehearing Conference scheduled with the newly assigned Hearing Officer to be held November 30, 2011.

A motion was made by Mr. Bone to go into closed session per KRS 61.810(1)( c), seconded by Mr. Fister, to review *Kentucky Board of Home Inspectors v. Ray Rumancik*, Boyle Circuit Court, No. 11-CI-0347. All were in favor. A motion was made by Mr. Schmidt to come out of closed session, seconded by Bone. All were in favor. Mr. Schmidt made a motion for Mr. Brengelman to draft a proposed Press Release for review by the Chair and for filing by Jeremy Horton updating the public on the status of the Board's lawsuit against Mr. Rumancik.

#### **TRAVEL AND PER DIEM**

Mr. Bone made a motion to approve travel and per diem for the meeting dated November 8, 2011. The motion was seconded by Mr. Fister and carried unanimously.

#### **ADJOURNMENT**

Mr. Bone made a motion to adjourn the meeting. The motion was seconded by Mr. Chandler and carried unanimously.

The meeting was adjourned at 12:57 p.m.

Approved by the Board,

Tony Crockett

Board Administrator